

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 10, 2017

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Delbert W. Lee, Jr.

Case Number: 0980 2:17CR00061-SAB-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable B. Lynn Winmill, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A Bastian, U.S. District Judge

Date of Original Sentence: March 8, 2017

Type of Supervision: Supervised Release

Original Offense: Theft of Mail Matter, 18 U.S.C. § 1708

Original Sentence: Prison - 57 days
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: George JC Jacobs, III

Date Supervision Commenced: March 8, 2017

Defense Attorney: Colin G. Prince

Date Supervision Expires: March 7, 2020

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 05/03/2017; 05/16/2017 and 05/23/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

6 **Standard Condition # 2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: On March 30, 2017, Mr. Lee was given a copy of his judgement and his conditions of supervision were explained to him. Mr. Lee had no additional questions in regards to his conditions.

On July 5, 2017, Mr. Lee was directed to report to the U.S. Probation Office by 12:00 pm on July 6, 2017. Mr. Lee understood this directive and stated he would report as directed.

On July 6, 2017, Mr. Lee failed to report to the U.S. Probation Office as directed and failed to make contact with the undersigned officer to explain why he failed to appear.

7 **Special Condition #3:** The defendant shall participate in a program of testing and treatment for drug and alcohol abuse, as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

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Supporting Evidence: On March 30, 2017, Mr. Lee was given a copy of his judgement and his conditions of supervision were explained to him. Mr. Lee had no additional questions in regards to his conditions.

On June 28, 2017, Mr. Lee was directed to call Alcohol Drug Education Prevention and Treatment (ADEPT) daily and to listen for the color "Brown 2." Mr. Lee understood this directive and stated he would call every day.

On July 5, 2017, the color "Brown 2" was called and Mr. Lee failed to report to ADEPT as directed. He was directed to report to the U.S. Probation Office on July 6, 2017, to supply a urine sample for testing. Mr. Lee failed to report as directed.

- 8 **Special Condition #3:** The defendant shall participate in a program of testing and treatment for drug and alcohol abuse, as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay

Supporting Evidence: On March 30, 2017, Mr. Lee was given a copy of his judgement and his conditions of supervision were explained to him. Mr. Lee had no additional questions in regards to his conditions.

On July 5, 2017, Mr. Lee disclosed that he was going to attend his treatment group at SPARC outpatient on July 6, 2017. A call from Mr. Lee's counselor at SPARC on July 7, 2017, confirmed that Mr. Lee failed to report for treatment as directed.

- 9 **Special Condition #4:** The defendant shall abstain from the use of alcohol and shall not be present in any location where alcohol is the primary item of sale.

Supporting Evidence: On March 30, 2017, Mr. Lee was given a copy of his judgement and his conditions of supervision were explained to him. Mr. Lee had no additional questions in regards to his conditions.

Mr. Lee's counselor confirmed that when Mr. Lee had reported for his intake on July 3, 2017, he supplied a urine sample that tested positive for alcohol. This test has been confirmed by Millennium Laboratory as being positive for alcohol. The undersigned officer has attempted to contact Mr. Lee numerous times for further clarification but Mr. Lee has failed to return any of the undersigned's messages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/10/2017

s/Joshua D. Schull

Joshua D. Schull
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

7/10/2017

Date